

**IDAHO BARBER AND COSMETOLOGY SERVICES LICENSING BOARD**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 6/3/2019**

**BOARD MEMBERS PRESENT:** Debra J Thompson - Chair  
Merrilyn Cleland  
Geneal Thompson  
Thomas E Grimsman  
K Ryan Nave  
Wendy S Rucker  
Lindy High

**BUREAU STAFF:** Kelley Packer, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Eric Nelson, Board Prosecutor  
Nicholas Krema, General Counsel  
Rob McQuade, Legal Counsel  
Allegra Earl, Technical Records Specialist II

**OTHERS PRESENT:** Barbara De Hann, Paul Starita, Tiffany Self, Kris Massey, Tyler Price, Ty Walker, Kevin Heebner, Ronda Clark, La Donn Goodfellow, Laurie Rowen, Margarita Castellanos, Mary Zahm, Casie Jensen, Elizabeth Quick, Heather Harris, Phoebe Green, Ryan Evans

The meeting was called to order at 8:30 AM MDT by Debra J Thompson.

**APPROVAL OF MINUTES**

Mr. Nave made a motion to approve the minutes of 02/04/2019, 03/07/2019, 03/18/2019, 04/29/2019, and 05/06/2019. It was seconded by Ms. Cleland. Motion carried.

**DISCIPLINE**

Mr. Nelson presented a memorandum regarding case numbers BCB-2019-126, BCB-219-119, BCB-2019-123, and BCB-2019-181. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson presented Stipulation and Consent Orders in case numbers BCB-2018-105/106, BCB-2018-141/142, BCB-2018-224, BCB-2018-270, BCB-2019-39, BCB-2019-69/70, BCB-

2019-71/72, BCB-2019-77, BCB-2019-81/82, BCB-2019-83, BCB-2019-120/121, BCB-2019-122, BCB-2019-124/125, and BCB-2019-127/128. Ms. Cleland made a motion to approve the Consent Orders and allow the Board chair to sign on behalf of the Board. It was seconded by Mr. Grimsman. Motion carried.

## **FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDERS**

Mr. Nelson presented Findings of Fact, Conclusions of Law, and Final Orders in case numbers BCB-2018-246, BCB-2019-41, BCB-2019-63, and BCB-2019-92. Mr. Grimsman made a motion to approve the Findings of Facts, Conclusions of Law and Final Orders and authorize the Board chair to sign on behalf of the Board. It was seconded by Ms. High. Motion carried.

## **LEGISLATIVE REPORT**

Ms. Packer presented a legislative update. She explained the changes which will be made to the Board's applications and website for applicants who are active duty military, veterans, and their spouses as a result of H248 being signed into law. She updated the Board on the status of its administrative rules and the procedure by which those will remain in effect after June 30.

Mr. McQuade updated the Board on the Red Tape Reduction Act and the Bureau's process to review each Board's rules over the next two years.

## **PROPOSED LAWS AND RULES**

Ms. Packer and Mr. McQuade presented proposed amendments to the Board's statute. Proposed changes included grammar, streamlining sections, and condensing repetitive language. Additionally, it was recommended for the definitions section to add-barbering and electrology to the apprentice definition; add electrology to the licensed school definition; add perming or lifting of the eyelash and eyelash extensions to the cosmetology and esthetics definitions; and change the instructor definition to say, "a person licensed under this chapter to practice and teach any practice defined in this section."

The Board discussed the recommendation to include language which would allow for charitable work done outside of an establishment.

Regarding requirements for obtaining a license, it was recommended to: change the verbiage for "good moral character" to "has not engaged in conduct that would constitute grounds for discipline under Idaho Code § 54-5823"; add the word "additional" to the conditions for an apprentice requirement; and combine the instructor programs to be equivalent among the professions.

In several sections, the recommendation was made to have further regulation defined in Board rule.

In the section regarding school requirements, it was suggested that the term “instructor” could be used rather than listing all the professions; that a subsection for the curricula be included; and that the Board approve training received in a school on esthetics or nail technology.

Ms. G Thompson moved to adopt the amendments to the statute as discussed and to authorize the Bureau to present these changes to the Governor and the Legislature. It was seconded by Ms. Cleland. Motion carried.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$707,838.47 as of 04/30/2019.

## **BOARD VACANCIES**

Ms. Eavenson reviewed the processes for Board member appointments through the Governor’s Office.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Ms. Rucker made a motion to approve the Bureau’s recommendation and authorize closure in the following cases with a warning letter: I-BCB-2019-56, I-BCB-219-65, I-BCB-2019-115, I-BCB-2019-118, I-BCB-2019-140/141, and I-BCB-2019-158/159. It was seconded by Mr. Grimsman. Motion carried.

Ms. Rucker made a motion to approve the Bureau’s recommendation and to authorize closure in case I-BCB-2018-115/116. It was seconded by Mr. Grimsman. Motion carried.

## **DISCIPLINARY ACTION**

Ms. Peel presented several Stipulation and Consent Orders in cases BCB-2019-93/94, BCB-2019-97/98, BCB-2019-103/104, BCB-2019-111/112, BCB-2019-113/114, BCB-2019-117/118, BCB-2019-129, BCB-2019-130/131, BCB-2019-132/133, BCB-2019-135/136, BCB-2019-139/140, BCB-2019-141/142, BCB-2019-143/144, BCB-2019-145/146, BCB-2019-148/149, BCB-2019-150/151, BCB-2019-152, BCB-2019-153, BCB-2019-154, BCB-2019-159/160, BCB-2019-161/162, BCB-2019-163, BCB-2019-164, BCB-2019-165/166, BCB-2019-169/170, BCB-2019-171/172, BCB-2019-173, BCB-2019-174, BCB-2019-175/176, and BCB-2019-177/178. Ms. G Thompson made a motion to accept the Consent Orders as signed and to authorize the Board chair to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

## **MEMORANDUM**

Ms. Peel presented memorandums regarding case numbers BCB-2019-101 and BCB-2019-102, and BCB-2019-115 and BCB-2019-116. After discussion, the Board gave recommendations for appropriate discipline.

## **RECONSIDERATION OF A BOARD DECISION**

Mr. Crema updated the Board on recent modifications to the legal process for and requirements of reconsideration of Board decisions. Ms. High made a motion to authorize the Board chair to review requests upon submission and determine if new information has been received that could cause the Board to reconsider a previous decision. The Board chair may reassign the request to a Board member of the same profession as the requestor, at their discretion. It was seconded by Ms. Rucker. Motion carried.

## **BOARD TRAINING**

Mr. Crema reviewed the Open Meeting Law with the Board.

## **NEW BUSINESS**

## **EXECUTIVE SESSION**

Ms. Cleland made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Ms. G Thompson. The vote was: Ms. D Thompson, aye; Ms. Cleland, aye; Mr. Grimsman, aye; Ms. G Thompson, aye; Mr. Nave, aye; Ms. Rucker, aye; and Ms. High, aye. Motion carried.

Ms. Cleland made a motion to come out of executive session. It was seconded by Ms. Rucker. The vote was: Ms. D Thompson, aye; Ms. Cleland, aye; Mr. Grimsman, aye; Ms. G Thompson, aye; Mr. Nave, aye; Ms. Rucker, aye; and Ms. High, aye. Motion carried.

## **APPLICATIONS**

Mr. Grimsman made a motion to approve the following for licensure:

CHINEA SAMANTHA	RC-272968
FLORES GABRIEL	B-273320
FREEDLE DEBORAH ANN	RC-273184
STRATTON AMBER JOY	NT-273303

It was seconded by Ms. G Thompson. Motion carried.

Ms. Cleland made a motion to approve the following for examination:

901062735

It was seconded by Ms. Rucker. Motion carried.

Ms. Cleland made a motion to approve the following apprenticeship permits:

CUONG NGUYEN  
PHUONG LAM

CAPR-273422  
CAPR-273421

It was seconded by Mr. Nave. Motion carried.

Ms. Cleland made a motion to approve the following pending receipt of additional information:

901167336

It was seconded by Ms. G Thompson. Motion carried.

Ms. Cleland made a motion to approve the following for examination:

901133079  
901113972  
901119484

It was seconded by Mr. Nave. Motion carried.

Ms. Cleland made a motion to approve the following pending receipt of additional information:

901166780

It was seconded by Ms. Rucker. Motion carried.

Ms. Cleland made a motion to approve the following for licensure:

AUSTIN KADE ACADEMY

BC-273438

COSMETOLOGY SCHOOL  
OF ARTS & SCIENCES LLC

BC-273335

It was seconded by Mr. Grimsman. Motion carried.

Ms. Cleland made a motion to approve the following for examination:

901165427  
901162637  
901163522

It was seconded by Mr. Nave. Motion carried.

Ms. Cleland made a motion to accept the curriculum changes for:

PAUL MITCHELL THE SCHOOL BOISE  
PAUL MITCHELL THE SCHOOL NAMPA  
PAUL MITCHELL THE SCHOOL REXBURG

It was seconded by Ms. G Thompson. Motion carried.

Ms. Cleland made a motion to deny the following based on Rule 312.01 (a), (d), and (e):

RAMEY DANIEL

It was seconded by Mr. Grimsman. Ms. High voted nay. Motion carried.

## **OLD BUSINESS**

The Board reviewed the To Do List and no action was taken.

## **NEW BUSINESS**

### **PENDING TERMINATION PROCESS**

Ms. Earl stated that the pending termination process had been implemented. Responses had been received in reply to the letter that was sent to applicants with no activity on their application for one year.

Ms. High made a motion that if an applicant asks for a 60-day or shorter extension to prevent the termination of the application, the request could be approved by the Board Specialist; if the request is asking for more than 60 days, the request would be brought to the Board for review. It was seconded by Mr. Nave. Motion carried.

### **REVIEW DRAFT APPLICATION**

Ms. Hall reviewed the updates to the instructor application with the Board.

Ms. Rucker made a motion to accept the changes and post the application to the website. It was seconded by Ms. Cleland. Motion carried.

## **CORRESPONDENCE**

The Board reviewed correspondence from Ms. Clark regarding clarification on Idaho Code § 54-5802 (4) (c). Ms. High made a motion to have Ms. G Thompson work with the Bureau on a response. It was seconded by Ms. Rucker. Motion carried.

The Board reviewed correspondence from Milan Institute requesting clarification on Idaho Code § 54-5815 (1) (m), which requires a school to be open for instruction for at least five (5) days a week, and approval of an alternate class schedule. The Board directed the Bureau to respond that the five (5) day class schedule is in the law and exceptions cannot be granted.

The Board reviewed correspondence from Mr. Price regarding barber apprenticeship.

## **PUBLIC COMMENT**

Mr. Price presented to the Board several ideas on how to implement the new barber apprenticeship program. After some discussion, the Board took no action.

## **NEXT MEETING DATES**

July 1, 2019 Conference Call at 8:00 AM MDT  
August 5, 2019 Conference Call at 8:00 AM MDT  
October 7, 2019 Face-to-Face Meeting at 8:30 AM MDT  
November 14, 2019 Conference Call at 8:00 AM MST  
December 9, 2019 Conference Call at 10:00 AM MST

## **ADJOURNMENT**

Mr. Nave made a motion to adjourn the meeting at 3:40 PM MDT. It was seconded by Ms. High. Motion carried.

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Debra J Thompson, Chair

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Merrilyn Cleland

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Geneal Thompson

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Thomas E Grimsman

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K Ryan Nave

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Wendy S Rucker

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Lindy High

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Kelley Packer, Bureau Chief